IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2682 OF 2005.
IN
WRIT PETITION NO. 797 OF 2005.

Shri Chandrakant Namdeo Hotkar. ... Petitioner.

V/s.

General Manager,
M.S.T.C.Limited, Mumbai
and another. ... Respondents.

P.N.Arjunwadkar for the petitioner.

None for the respondents.

CORAM: V.C.DAGA, J.

DATED: 22nd November 2005.

P.C.:

. Heard learned counsel for the petitioner.

None for the respondents.

2. In spite of service of this application on the respondents/ original petitioners, no reply has been filed. By the impugned order, impugned in the petition, respondents/ original petitioners have been directed to deposit Rs.50,753.50 along with interest thereon @ 5% per annum from the date of the order.

3. The petition involves money claim and in the event petitioners succeed, they can be compensated in terms of money. Consequently, no interim relief in terms of prayer clause (c) can

operate without there being deposit of the awarded amount. In this view of the matter, interim order dated 10th June, 2005 is modified with direction to the petitioners to deposit in first Labour Court, Solapur Rs.50,753.50 along with interest thereon @ 5% per annum from the date of impugned order till the date of deposit, within eight weeks from today. In the event such deposit is made, it would be open for the applicant/ original respondent to withdraw this amount on furnishing solvent security to the satisfaction of the Labour Court, Solapur. The Labour Court is directed to pay the amount to the applicant-workman/ original respondent by payees-account cheque drawn in favour of the applicant- Shri Chandrakant Namdeo Hotkar. Failure on the part of the respondents/ original petitioners to deposit amount within aforesaid period shall result in automatic dismissal of the petition without reference to the Court.

4. Civil application stands disposed of in terms of this order with no order as to costs.

(V.C.DAGA, J.)